

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.18242 of 2017

&

W.M.P.Nos.19822 & 19823 of 2017

N.Omezhilarasu

...Petitioner

vs

1.The Deputy Registrar of
Cooperative Societies,
Maduranthagam Circle,
Madhuranthagam,
Kancheepuram District.

2.The President,
Kongarai Mampattu Primary Agricultural
Cooperative Credit Society,
Kongarai Mampattu Village,
Vadamanipakkam Post - 603 307,
Maduranthagam Taluk,
Kancheepuram District.

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na. Ka.1464/017 B1, dated 29.06.2017 and quash the same.

For Petitioner : Mr.C.Prakasam.

For Respondents: Mr.L.P.Shanmugasundaram,
Special Government Pleader.

ORDER

The internal communication between the first and second respondents dated 29th June 2017 is under challenge in this writ petition. On perusal of the communication, this Court is able to find that certain directions were issued to the second respondent by the first respondent to initiate action against the former Secretary, who was terminated from service. In the event of not initiating action in accordance with the Provisions

of the Tamil Nadu Co-operative Societies Act, further action will be initiated against the second respondent, is the direction issued in the communication of the first respondent to the second respondent.

2. This Court is of the opinion that such a direction or guidelines issued by the Competent Authority under the Tamil Nadu Co-operative Societies Act to the to the Society cannot provide a cause for the writ petitioner to move a writ petition. In the absence of issuing any show cause notice or initiation of action under law against the writ petitioner.

3. Admittedly, as on today i.e. 18.07.2017 the writ petitioner has not received any show cause notice or any order initiating further action in this regard. Therefore, the writ petition is to be treated as premature and the internal communication between the first and second respondents cannot provide cause of action to file this writ petition before this Court under Article 226 of the Constitution of India.

4. An infringement of right is an elementary principle for entertaining the writ petition under Article 226 of the Constitution of India. As on today i.e. 19.07.2017, (18.07.2017) there is no such violation of right established nor the 1st and 2nd respondents issued any notice to the writ petitioner.

5. Such being the factum of the case, the writ petition is to be construed as premature and accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

may

To

The Deputy Registrar of Cooperative Societies,
Maduranthagam Circle, Madhuranthagam,
Kancheepuram District.

+ 1 cc to Mr.C. Prakasam, Advocate Sr.50453

+ 1 cc to M/s. L.P. Shanmugasundaram, Advocate 50314

+ 1 cc to Government Pleader Sr.51041

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RSI (CO)

EU 3.08.17